



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,175	12/13/2000	Theodore F. Rabenko	36900/CAG/B600	8414

23363 7590 01/25/2005  
CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA, CA 91109-7068

EXAMINER

HARPER, KEVIN C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/737,175

Applicant(s)

RABENKO ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-29 is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 11 is/are rejected.
- 7) ☒ Claim(s) 4,6-10 and 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

1. The drawings are objected to because in fig. 18 the arrow between ADC 527 and SLIC 525 should point upstream to the ADC (specification, page 5, line 6). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 4 is objected to because the two counts should be present (fig. 18D, item 558-559 and 534). Examiner suggests, “counting at least a portion of a period between data receive flags, counting at least a portion of a period between data complete flags, the fractional resampling being a function of a ratio of the counts.”

Art Unit: 2666

3. Claim 10 is objected to because "date" in line 2 should be --data--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kao (US 4,815,109).

4. Regarding claim 1, Kao discloses a method of synchronizing data sampled by a first clock (fig. 2, item 14) to a second clock (item 54). The method comprises generating a clock error signal (SLIP signal from slip detector; col. 3, line 67 through col. 4, line 1) as a function of a data control flag (DERIVED CLKA; col. 3, lines 57-59) and fractionally resampling the data as a function of the clock error signal (col. 4, lines 1-4 and 7-20; col. 8, lines 1-3; fig. 5B, items 176 and 178; note: a percentage of samples are added or removed to provide fractional resampling of the signal; col. 5, lines 57-62).

5. Regarding claim 2, the data comprises voice (abstract, lines 1-6; col. 8, line 55).

6. Regarding claim 3, the data receive flag (fig. 4, CLKA) is periodically generated as a function of the first clock (col. 3, lines 57-58) and a data complete flag (fig. 4, CLK2) is periodically generated as a function of a second clock (col. 3, lines 59-64), where the clock error

Art Unit: 2666

signal is generated as a function of the data received flag and data complete flag (col. 3, line 67 through col. 4, line 1).

7. Regarding claim 5, the data is sampled with a first clock and received data is partitioned into data packets (abstract, lines 1-6; col. 1, lines 37-41 and 42-45), where the data received flag is generated upon receipt of each of the data packets (col. 1, lines 42-45; col. 1, lines 20-37).

8. Regarding claim 11, Kao discloses a synchronization circuit (fig. 2, item 52; fig. 3) comprising an error generation unit (fig. 2, item 50) that generates a clock error signal (fig. 2, SLIP) as a function of an average far end sampling rate (col. 1, lines 23-25) and a near end sampling rate (col. 1, lines 49-53), and a sample tracker (fig. 2, item 52) for receiving sampled data packets (col. 1, lines 25-30 and 42-45) and fractionally resampling the sampled data as a function of the clock error signal (col. 4, lines 1-4; col. 3, lines 64-66; col. 1, lines 49-53).

### ***Allowable Subject Matter***

9. Claims 18-29 are allowed.

10. Claims 4, 6-10 and 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herrmann (US 5,204,676) discloses interpolation or decimation to convert a signal from a first frequency to a second frequency (abstract, lines 1-4). Sugar (US 5,790,538; fig. 6)

Art Unit: 2666

and Wildfeuer et al. (US 6,829,244; col. 2, line 59 through col. 3, line 3) each discloses adjusting received voice data in a packet gateway. Sartain et al. (US 6,169,747) discloses resampling a signal to avoid buffer overflow or underflow (col. 2, lines 10-15; figs. 8-9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

January 22, 2005

*Seema S. Rao*  
SEEMA S. RAO 1/24/05  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800